

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**JUXTACOMM-TEXAS SOFTWARE,
LCC**

Plaintiff

vs.

AXWAY INC., ET AL.

Defendants

§
§
§
§
§
§
§
§
§
§

**CASE NO. 6:10cv11
PATENT CASE**

ORDER

The Court received a hand-delivered letter from counsel for SAS Institute, Inc. (“SAS”) on November 21, 2011 requesting a conference regarding the issue of recusal in relation to the Notice of Affiliation (Doc. No. 769) filed on October 21, 2011 by Plaintiff Juxtacomm-Texas Software, LLC. As an initial matter, the Court does not accept communications to the Court outside of CM/ECF filings, and the Court does not issue advisory opinions. Any letters, faxes, or other communications that have not been specifically requested by the Court will be disregarded.

The Court notes that the Notice of Affiliation in question was filed one month ago. Since the filing of the Notice of Affiliation, the parties in this case have filed thirty-three (33) motions, in addition to the plethora of prior pending motions. Thus, approximately six weeks prior to jury selection, three weeks before the pretrial hearing, and two weeks before a substantive motion hearing, SAS sends a letter raising, for the first time with the Court, an issue as serious as recusal. Accordingly, if SAS intends to request recusal in this case, it is **ORDERED** to file a motion, under seal, regarding the same by **Friday, November 25, 2011 by 12pm**. Plaintiff Juxtacomm-Texas Software, LLC is **ORDERED** to file a response by **Monday, November 28, 2011 by 5pm**. The

Court will hold a hearing on the motion on **Wednesday, November 30, 2011 at 9am.**

So ORDERED and SIGNED this 22nd day of November, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**